IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Criminal Writ Petition No.2662 of 2005

Mehmood Kapadia & ors. Petitioners

Vs.

State of Maharashtra & anr. Respondents

Mr.Dinesh Tiwari for petitioners.

Mr.A.S.Gadkari, APP for State.

Mr.P.G.Kinikar for Resp.No.3.

CORAM: B.H.MARLAPALLE & SMT.R.S.DALVI,JJ.

February 15, 2006.

P.C.

. Heard the learned counsel for the petitioners.

Rule. Respondents waive service.

. Rule made returnable forthwith more so because the affidavit-in-reply has been filed on behalf of the Investigating Agencies as well as the Central Bank of India, Respondent No.3.

. As per the Respondent No.3-Bank the petitioners were sanctioned car loans individually as per the amounts shown below :

(1) Mehmood Kapadia : Rs.10,71,339/-

(2) Ameen Kapadia : Rs.10,47,894/-

(3) Ayaz Kapadia : Rs.10,31,997/-

(4) Mrs.Nasreen Kapadia : Rs.03,17,362/-

(5) Mubeen R.Shah son of

Amin Kapadia : Rs.05,32,556/-

. The Senior Manager of the Bank while examining the irregular loan accounts enquired into the cases of the petitioners and noticed that none of them had purchased any motor vehicle / car though the entire amount of the loan sanctioned was disbursed. He, therefore, approached the nearest police station and filed a complaint which came to be registered as FIR. The bank had also taken steps to recover the amount by filing regular suits either before the Civil Court or the Debt Recovery Tribunal. Subsequently the amounts payable by each of the petitioners have been received by the bank and the bank has also withdrawn the pending recovery suits. The affidavit-in-reply filed on behalf of the respondent no.3-Bank clearly states that it has no further claim against any of the petitioners and there is no reason for the bank to pursue with the FIR registered as C.R.No.1/04.

. We, therefore, allow this petition and make the rule absolute in terms of prayer clause (i).

(SMT.R.S.DALVI,J.) (B.H.MARLAPALLE,J.)